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CENTRAL FAX CENTER

NOV 18 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named

Inventor : Wenda C. Carlyle et al.

Group Art Unit: 3738

Appln. No.: 09/186,810

Filed : November 5, 1998

Examiner:

For : PROSTHESES WITH ASSOCIATED  
GROWTH FACTORS

Paul B. Prebilic

Docket No.: S16.12-0052

## CERTIFICATION OF TELEFACSIMILE TRANSMISSION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

571-273-8300

Sir:

I certify that the following papers are being telefacsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

1. Notice of Appeal
2. Charge Authorization Form PTO-2038

WESTMAN, CHAMPLIN &amp; KELLY, P.A.

Date: November 18, 2005By: Hallie A. Finucane

Hallie A. Finucane, Reg. No. 33,172  
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900 Second Avenue South  
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HAF:lms

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NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCESCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450I HEREBY CERTIFY THAT THIS PAPER IS  
BEING TRANSMITTED VIA FACSIMILE, 571-  
273-8300, TO THE COMMISSIONER FOR  
PATENTS THIS

11/21/2005 TL0111 00000037 09186810

18 DAY OF November, 20 05

*Valle R. Finucane*  
PATENT ATTORNEY

Sir:

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Applicant appeals to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed August 18, 2005, finally rejecting claims 1, 3, 4, 8-10, 13, 15, 34, 35 and 38-46.

## FEE STATUS

[ ] Small entity status under 37 C.F.R. §§ 1.9 and 1.27 is established by a verified statement previously filed on ---.

## FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 1.17(b) the fee for filing the Notice of Appeal is:

[X] other than a small entity \$500.00

[ ] small entity \$250.00

## EXTENSION OF TIME

These proceedings are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(a) [ ] Applicant petitions for an extension of time under 37 C.F.R. § 1.17(a)-(d) for the total number of months

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checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$225.00
<input type="checkbox"/> three months	\$1,020.00	\$510.00
<input type="checkbox"/> four months	\$1,590.00	\$795.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for one month has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$\_\_\_\_\_

or

(b) ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee	\$ <u>500.00</u>
Extension fee (if any)	\$_____
<b>Total Fee Due</b>	<b>\$<u>500.00</u></b>

**FEE PAYMENT**

☒ Charge Authorization Form PTO-2038 for the amount of \$500.00 is attached.

☐ Charge Deposit Account No. 23-1123, the sum of \$\_\_\_\_\_.

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The Director is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

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